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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,382	11/07/2006	Emil Dinkel	10537/293	5097
26646	7590	07/27/2007	EXAMINER	
KENYON & KENYON LLP			NELSON JR, MILTON	
ONE BROADWAY			ART UNIT	
NEW YORK, NY 10004			PAPER NUMBER	
			3636	
			MAIL DATE	DELIVERY MODE
			07/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,382

Applicant(s)

DINKEL ET AL.

Examiner

Milton Nelson, Jr.

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3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/7/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/13/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/13/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statement filed June 13, 2005 has been considered with the exception of the two Japanese patent abstracts, and the two Japanese patent documents. Copies of these items have not been provided by the ISA. It is requested that Applicant provide copies for proper consideration by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sliding layer arranged between a rear side of the head restraint and a rear housing side of the monitor, the power and signal supply, and the power and signal supply extending downwardly in the backrest must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12, 20 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what is the sliding layer arranged between a rear side of the head restraint and a rear housing side of the monitor, and how it is arranged and performs.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, it is unclear if "a rear housing side" is intended to be the same feature as the previously set forth "a housing part". Similarly note claims 11 and 12. In claim 13, it is unclear if "a housing" is intended to be the same feature as the previously set forth "a housing part". Claim 16 is indefinite since it depends from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 9-14 and 16, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(a) as being anticipated by Jost (6883870). Note the fastener device (6, 18, 19, 22), extendable holder (other 6, 18, 22), power and signal supply (see paragraph 10 of column 4), housing part (12, 14), frame part (20, 20), at least one bearing for the holder (37), at least one bearing for the fastener device (other 37), wherein a rear side of the head restraint facing the monitor extends parallel to a rear housing side of the monitor (see Figures 1, 2, and 6), wherein a rear side of the

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head restraint facing the monitor bears against a rear housing side of the monitor (see Figures 2 and 6), sliding layer (rear surface of 14 or front surface 12'), cutouts or bores (see Figure 5), adapter (40, 41), and the monitor being swivelable about a y-axis arranged perpendicular to a z-axis and an x-axis (note pivoting about 19, as discussed in paragraph 9, column 4).

Claims 17-22 and 24, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(a) as being anticipated by Jost (6883870). Note the fastener device (6, 18, 19, 22), extendable holder (other 6, 18, 22), power and signal supply (see paragraph 10 of column 4), housing part (12, 14), frame part (20, 20), at least one bearing for the holder (37), at least one bearing for the fastener device (other 37), wherein a rear side of the head restraint facing the monitor extends parallel to a rear housing side of the monitor (see Figures 1, 2, and 6), wherein a rear side of the head restraint facing the monitor bears against a rear housing side of the monitor (see Figures 2 and 6), sliding layer (rear surface of 14 or front surface 12'), cutouts or bores (see Figure 5), adapter (40, 41), and the monitor being swivelable about a y-axis arranged perpendicular to a z-axis and an x-axis (note pivoting about 19, as discussed in paragraph 9, column 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jost (6883870) in view of Lu (5713633). The primary reference shows all claimed features of the instant invention with the exception of the power and signal supply extending downwardly in the backrest. Note the discussion of the primary reference above. The secondary reference teaches configuring a seat mounted monitor assembly with a power and signal supply (73) that extends downwardly (note chamber 51) in a backrest of the seat. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by providing the power and signal supply as extending downwardly in the backrest. This provides an assembly which is enhanced for access by a user located in proximity to the backrest of the seat.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jost (6883870) in view of Lu (5713633). The primary reference shows all claimed features of the instant invention with the exception of the power and signal supply extending downwardly in the backrest. Note the discussion of the primary reference above. The secondary reference teaches configuring a seat mounted monitor assembly with a power and signal supply (73) that extends downwardly (note chamber 51) in a backrest of the seat. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the

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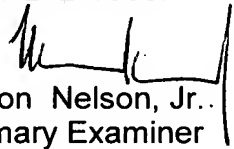
teachings of the secondary reference by providing the power and signal supply as extending downwardly in the backrest. This provides an assembly which is enhanced for access by a user located in proximity to the backrest of the seat.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Milton Nelson, Jr..
Primary Examiner
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